<u>Legislative Successes and Failures for Conservatism in 2009</u>

This document highlights *<u>some</u>* of the legislative successes and failures for conservatism <u>in the House</u> in 2009. **This list is not intended to be exhaustive and is not written for mass circulation.**

<u>Successes for Conservatism</u>

- Passing a resolution that would require each Committee to hold hearings on waste, fraud, abuse, and mismanagement in Government programs under the jurisdiction of that committee (H.Res. 40).

- Passing a resolution that expressed disapproval of obligations under the Emergency Economic Stabilization Act of 2008. If enacted, the resolution would have the effect of denying the Treasury Department the authority to spend the final $350 billion of TARP funding (H.J.Res 3).

- Bringing down a suspension that would delay the Digital Television transition date to June 12, 2009 (from February 17th) and extend the deadline for consumer coupon requests to July 31, 2009 (from March 31). (S. 328)

- Keeping a united Republican front against the "stimulus" bill that passed the House (see below for description of what the bill does). The entire GOP Conference voted against one of the most massive spending bills in our nation's history (H.R. 1).

- Defeating a resolution on suspension that would have expressed that "the President is appropriately exercising all of the authorities granted by Congress under the Emergency Economic Stabilization Act of 2008." While the resolution calls for AIG to, "repay taxpayers for the hundreds of millions of dollars the company provided to executives and employees in retention bonuses," it presents serious conservative concerns because it does not address the issue of the handling of the TARP funds and the bailouts in the first place. It praises the Administration for its handling of the issue (H.Con.Res. 76).

- Defeating a bill on suspension that would have blocked millions of acres of land from new oil and gas leasing, logging, mining, and all other business activity. The bill would also have eliminated1.2 million acres from mineral leasing and energy exploration in Wyoming alone - withdrawing 331 million barrels of recoverable oil and 8.8 trillion cubic feet of natural gas from domestic energy supply. Additionally, it would have designated more than 2 million acres of land as wilderness areas, permanently eliminating human access for energy exploration or recreational opportunities. The bill would have authorized $5.5 billion of new discretionary spending over five years and $900 million of direct spending (S. 22).

- Defeating a bill on suspension that would allow U.S. district courts to recoup or prevent excessive bonuses from TARP institutions, or from Fannie Mae, Freddie Mac or a Federal home loan bank. The bill will not constrain executive compensation. It will merely leave the issue up to over a thousand judges to determine for themselves whether compensation exceeds, "reasonably equivalent value" for services (H.R. 1575).

- Passing a motion to recommit (much of which was eventually removed during Senate consideration of the GIVE Act) that would have prohibited the use of funds in the GIVE Act from being used to assist organizations that provide or promote abortion services, including referral; for-profit organizations, organizations engaged in political or legislative advocacy; or organizations that have been indicted for voter fraud.

- Passing a bill (the bill itself is included in "Failures in Conservatism") that includes a section prohibiting the Secretary of the Interior from promulgating or enforcing any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if two conditions are met: 1.) the individual is not otherwise prohibited by law from possessing the firearm, and 2.) the possession of the firearm is in compliance with the law of the state in which the unit of the National Park System or the National Wildlife Refuge System is located.

- Initially defeating a bill on the suspension calendar that significantly increased the FDA's regulatory powers by creating "user fees" for inspections and licensing that would increase the cost of food for consumers as well as burden small farms and allow the FDA to close businesses, impose performance standards, and issue mandatory recalls. The bill provided the FDA with authority already held by other agencies with greater expertise (H.R. 2749). This legislation later passed the House.

- Initially defeating a bill that establishes the Santa Cruz Valley National Heritage Area covering approximately 3,300 square miles in southern Arizona. Many of the land designations of heritage areas can lead to restrictive federal zoning and land-use planning to block energy development. At a time when the National Park Service currently has a multi-billion maintenance backlog, some conservatives may believe that adding a new heritage area to a system that is already overburdened is irresponsible. Additionally, the area of this proposed heritage site designation would be designated in the most heavily trafficked drug and human trafficking area along the border. The US Border Patrol (USBP) already faces major difficulties patrolling federal lands and is prohibited from going into wilderness areas by the National Park Service (H.R. 324). The bill later passed on the House floor.

- Defeating the Bay Area Regional Water Recycling Program Expansion Act of 2009 which authorizes six water projects in the San Francisco Bay Area, but ignores a water crisis in the San Joaquin Valley of California. The legislation will authorize several projects that stand to benefit only a few congressional districts, but House Democrats refuse to take up an issue that affects an entire region of the state and might cost up to 40,000 jobs and millions in lost income (H.R. 2442).

- Passing the Stupak Amendment to the government takeover of healthcare bill (H.R. 3962) which prevents federal funding from being used to pay for abortions.

Failures for Conservatism

- Passing a bill that would negate the *Ledbetter v. Goodyear Tire & Rubber Co.* (*2007*, No. 05-1074) decision and change current law to allow wage-discrimination claims based on sex plus race, color, religion, or national origin. This change would allow for EEOC complaints (and damages) for actions outside the current statutory timeframe of 180 days – allowing for claims to be filed decades after they may have occurred. The bill invites stale claims. (H.R. 11)

- Passing a bill that would create *unlimited* punitive and compensatory damages for violations of the Equal Pay Act without having to show intent to discriminate. The Paycheck Fairness Act makes it difficult for employers to defend legitimate pay differentials between employees by requiring employers to affirmatively demonstrate that the differential is not based on sex, is specific to the position in question, and is consistent with business activity. (H.R. 12)

- Passing a bill that would reauthorize and significantly expand the State Children's Health Insurance Program (SCHIP) over four and a half years, place severe restrictions on the expansion of current physician-owned hospitals, and an outright ban on all new hospitals, while increasing cigarette taxes. The bill provides $39.4 billion over five years and $73.3 billion over ten years in *new* mandatory spending. This spending is on top of the $25 billion over five years that would result from a straight extension of the program. (H.R. 2)

- Passing a bill that sets new requirements on how the final $350 billion of Troubled Asset Relief Program (TARP) money may be used. The bill does <u>NOT</u> disapprove the President's request to tap the final $350 billion, but is instead designed to accommodate it. It allows TARP money to be used for an auto bailout; expands the allowable uses of TARP money to include support of state and local municipal bonds, consumer loans, and commercial real estate loans; and gives the Treasury Secretary very broad authority to decide how to enforce many of the provisions of the bill. (H.R. 384)

- Passing a "stimulus" bill that would spend $818 billion on programs that will do nothing to stimulate the economy. Of the $818 billion increase to the deficit that this legislation would cause, only 26% (or $212 billion) is attributable to revenue reductions—the other 74% is all spending increases. Many economists argue that there is no historical precedent for a stimulus spending-driven economic recovery. Even many liberal economists predict that if this legislation passes, the unemployment rate will remain around 8% over the next couple of years. The bill also prevents school choice in the $79 billion State Stabilization Fund (even in the case of IDEA funding where it is currently allowed) (H.R. 1).

- Passing the "stimulus" conference report that will cost ***$3.271 trillion*** including interest payments, over ten years (the House-passed version, H.R. 1, was $2.527 trillion) and includes much of the egregious spending listed above (H.R. 1).

- Passing an omnibus which increases FY 2009 spending by $32 billion or 8.4% compared to last year. This is on top of the spending for FY 2009 in the "stimulus." Agencies funded by both bills receive a $301 billion or 80% increase. The FY 2009 omnibus ends the FY 2009 regular appropriations process with a total spending level of $1.01 trillion – an increase of $72.4 billion, or 7.7% compared to last year. This is the first time in U.S. history that the $1 trillion threshold has been crossed**.** The bill also contains at a cost to taxpayers of $7.7 billion and provides an increase of between 4% and 13% for each of the 9 bills that make up the omnibus. Even the Legislative Branch bill gets an 11% increase. And compared to the Administration's FY 2009 request (submitted by former President Bush), seven of the nine bills receive increases (H.R. 1105).

- Passing a bill entitled the Stop Child Abuse in Residential Teen Programs Act that did not include an amendment that would have required that a covered facility under the bill create a policy to ensure that parental consent is required before any prescription medication (including contraception), not previously disclosed in writing by such parents or legal guardians, may be dispensed to such child (H.R. 911).

- Passing a bill that would allow judges to "cramdown" a loan, or lower the amount a borrower must pay a creditor on a loan. Cramdowns on principal residences are currently not allowed under Chapter 13 bankruptcy. The result of this bill would be a raise in interest rates, tightening of lending requirements, and an increase in down payments. The bill will also encourage bankruptcy filings and give away free money by allowing no-interest loans. The bill will create a significant cost to future borrowers who will have to make up for money lost to lenders due to cramdowns (H.R. 1106).

- Passing a bill that expands Davis-Bacon prevailing wage requirements to the Clean Water State Revolving Fund (authorized in the bill at $13.8 billion over five years). Davis-Bacon increases the cost of projects to taxpayers by up to 15% on average, and favors large, unionized businesses over smaller companies because of the paperwork required to comply with the law. The legislation also authorizes a total of $18.7 billion worth of discretionary spending over five years, including $13.8 billion for the Clean Water State Revolving Fund, a program for which President Reagan attempted to phase-out federal funding. Finally, the bill imposes several mandates on state and local governments. According to CBO, "the annual cost of complying with those mandates would likely exceed the threshold established in UMRA ($69 million for intergovernmental mandates in 2009, adjusted annually for inflation)" (H.R. 1262).

- Passing a bill that would spend almost $6 billion for "volunteer" programs, stretching the definition of a volunteer by paying them for their service, frequently providing them with health benefits, housing, and other items that undermine the definition of a volunteer. This bill is part of a Democrat agenda to force taxpayers to fund liberal service organizations, while at the same time, increasing taxes on charitable donations for individuals who want to support organizations of their choice. The bill also funds programs which have been described as "Not Performing: Results Not Demonstrated" by the Office of Management and Budget's Program Assessment Rating Tool. Additionally, it funds AmeriCorps National Civilian Community Corps which OMB describes as "Not Performing: Ineffective." During a time of economic crisis, the federal government should not be funding programs that have shown little or no results (H.R. 1388).

- Passing a bill that would impose a 90**%** tax for bonuses received by an employee of a company that has received funds in excess of $5 billion from the Troubled Asset Relief Program (TARP)—or an employee of Fannie Mae or Freddie Mac. The bill establishes a gross income exemption (including the bonus) of $250,000--or $125,000 in the case of a married individual filing separately. Many conservatives may be concerned that this legislation establishes the precedent that the tax code can be used to impose confiscatory tax rates on other individuals and that this legislation is a "Bill of Attainder"—a legislative action aimed at punishing individuals, explicitly prohibited by the Constitution in Article I, Section 9, Clause 3. Additionally, most conservatives remain opposed to the massive taxpayer "bailouts" of private organizations. Without the bailouts, the taxpayers would never have been put in the position of their dollars being doled out for executive bonuses. However, since the bonuses have been distributed, the solution is not to compound the problem with more inappropriate actions by the federal government (H.R. 1586).

- Passing a bill that would grant broad new authority to the Food and Drug Administration (FDA) to regulate and impose new restrictions on the manufacture, distribution, advertising, labeling, disclosure, promotion, sale and use of tobacco (cigarettes and smokeless) funded through a tax on tobacco companies. The bill would increase taxes on tobacco companies by $995 million over 10 years on top of the $72.1 billion tobacco tax over 10 years that took effect in late March, in order to fund the expansion of SCHIP (H.R. 1256).

- Passing a bill that would authorize the Secretary of Interior to study, establish, and redesignate numerous National Parks, National Wildernesses, National Heritage Areas, National Trails, National Scenic River designations, and codify the National Landscape Conservation System (NLCS). It would also authorize land conveyances and exchanges, federal boundary adjustments, memorials, museums, reclamation projects, and commissions. Additionally, the bill authorizes programs for ocean exploration, local water infrastructure, underwater research, and paralysis research. The legislation blocks millions of acres from new oil and gas leasing, logging, mining, and all other business activity in these areas. The bill also eliminates 1.2 million acres from mineral leasing and energy exploration in Wyoming alone - withdrawing 331 million barrels of recoverable oil and 8.8 trillion cubic feet of natural gas from domestic energy supply (H.R. 146).

- Passing a bill that will prevent any executive or employee of a financial institution receiving Troubled Assets Relief Program (TARP) or Housing and Economic Recovery Act (HERA) "capital investment" funds from compensation that is defined as "unreasonable" or "excessive" or any bonus that is not "performance-based." The bill would apply to new and existing compensation arrangements (H.R. 1664).

- Passing a Democrat Budget Resolution that proposes the six largest nominal deficits in U.S. history. The lowest deficit proposed by the budget resolution—the $586 billion deficit in FY 2013—is $127 billion or 27.7% greater than the highest deficit in U.S. history (last year's $459 billion deficit). The budget resolution also proposes colossal tax increases, unsustainable borrowing, and skyrocketing discretionary spending (H.Con.Res. 85).

- Passing a bill on suspension that would expand provisions of the Community Oriented Policing Services (COPS) program and create two new federal grants under the program. Under current law, this program provides in excess of $1 billion in federal grants annually. The bill is a massive funding increase (72 percent to $1.8 billion per year) and was considered without the opportunity to amend. The COPS program has also been involved with alleged misspent funds. The Inspector General of the Department Justice and the Government Accountability Office stated that looking at just 3 percent of all COPS grants, $277 million were allegedly misspent funds (H.R. 1139).

- Passing a bill that would make certain "hate crimes" new federal offenses – including crimes motivated by "sexual orientation and gender identity" (not defined in the bill). Crimes committed because of "prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim or is a violation of the state, local, or tribal hate crime laws" would be covered by this legislation. The bill would also create two new federal grant programs to assist state and local governments in investigating and prosecuting hate crimes, and require expanded data collection and reporting for hate crimes, among other provisions. The bill raises constitutional questions as it misinterprets the Commerce Clause and the 13th, 14th, and 15th amendments to justify an unprecedented expansion of federal authority. It supersedes existing state laws and it threatens First Amendment rights by creating the potential for prosecution of religious groups and leaders that speak out on the moral teachings of their faiths. It also erodes the principal of equal justice under the law by creating "hate crimes" which would merit additional federal penalties and more federal involvement. Thus two identical violent crimes of murder – one a "random" act of violence and another "hate-motivated" act of violence – will be provided unequal treatment and unequal punishment (H.R. 1913).

- Passing a bill that would further increase the federal government's control over the business practices of credit card issuers. The bill exhibits excessive government intervention into the private market by creating federal mandates on the intricate details of private-market transactions. It also raises the question of constitutionality because the interstate commerce clause does not justify federal intervention into how businesses should be structured and operated. The bill will reduce investment because by making the issuing of credit cards a riskier business with limited ability to build such risk into its rate and fee structures, the bill could discourage investors from holding credit-card asset-backed securities (ABS), which, according to the American Bankers Association, are used to fund approximately 50% of credit card lending. Thus, fewer funds will be available for lending, further exacerbating the credit crunch at the very same time the federal government is implementing a "bailout" plan to relieve the credit crunch. Additionally, the legislation will increase rates and fees for everyone by forcing credit card issuers to spread the risk across all consumers (instead of just the risky ones). Creditors would also be likely to modify or eliminate promotional-rate programs, since the bill limits the ability to seek repayment on these balances (H.R. 627).

- Passing the budget conference report which assumes a massive tax increase ($423 billion compared to $574 billion in the House-passed budget resolution), proposes the six largest deficits in U.S. history, and includes reconciliation instructions for liberal priorities (S.Con.Res. 13).

- Passing a bill that would authorize the U.S. Secretary of Education to make grants to state educational agencies for the modernization, renovation, or repair of public school facilities. The legislation is subject to the requirements of the Davis-Bacon Act which would increase the cost of many projects funded in this bill. Additionally, historically, the federal government has had an extremely limited financial responsibility with regard to school infrastructure projects (H.R. 2187).

- Passing a "mortgage reform" bill that would discourage lending and investing because of its expansive new regulations on mortgage lenders. The bill is a large intrusion into the private market and would prohibit a variety of legitimate private-market business practices for lenders and would thus amount to an unwelcome federal micromanagement of private markets and private lives. Such intrusion could yield fewer loan choices for consumers (H.R. 1728).

- Passing a bill that would reauthorize the Federal Aviation Authority (FAA). The legislation requires the FAA to negotiate a new contract with the air traffic controllers union. Both the FAA and NATCA agree that this provision will lead to higher compensation for the air traffic controllers at a resulting higher cost to the taxpayers. The legislation also increases the aviation-grade kerosene tax from 21.8 cents/gallon to 35.9 cents/gallon, and increases the aviation gasoline tax from 19.3 cents/gallon to 24.1 cents/gallon. The legislation authorizes a total of $57.2 billion of discretionary spending over the FY 2009-FY 2012 period at a time of unprecedented spending (H.R. 915).

- Passing a bill that includes numerous new federal mandates on the intricate details of private-market transactions. The federal government telling credit card issuers what time the cut-off is for on-time payments, for example, is no different than the federal government telling retail stores what their business hours must be or what their return policy must be. Its constitutionality is questionable and it will reduce lending because fewer funds will be available, further exacerbating the credit crunch at the very same time the federal government is implementing a "bailout" plan to relieve the credit crunch (H.R. 627).

- Passing a bill that would subvert the standard federal tribal recognition process. The legislation authorizes $807 million over five years, and could grow larger if Lumbee tribe expands its membership. Many experts and other groups of Native Americans are not even sure the Lumbee is a tribe at all. The Eastern Band of Cherokee Indians have questioned the validity of the group's Indian ancestry, contending that the group did not originate entirely in North Carolina, and have sought recognition as descending from four different tribes over the years. According to CBO, approximately 31,000 individuals would be eligible to receive federal benefits upon recognition (H.R. 31).

- Passing a bill that would provide four weeks of paid parental leave to federal employees in connection with the birth of a child or the placement of an adopted or foster child. CBO estimates that this legislation will cost American taxpayers nearly $1 billion over five years. In most circumstances, federal employees can already use accrued sick and vacation paid leave to care for a child after birth. This can amount to four weeks of annual leave and two and a half weeks of sick leave every year for federal employees with 3 to 15 years tenure. Many employers are concerned that this will set a precedent for future discussions over expansion of FMLA and will eventually lead to new paid leave mandates on small businesses. The underlying bill would provide paid benefits and leave for the mother and father for each birth or adoption if they are both federal employees (H.R. 626).

- Passing a "cash-for-clunkers" bill that authorizes an additional $4 billion of spending to help "restructure" the auto industry. This is in addition to the $85 billion already spent by Americans taxpayers to assist the auto industry. This legislation could make Americans less likely to donate older automobiles to charities that provide low-income and disabled individuals with affordable automobiles, as it provides a credit worth up to $4,500 towards the purchase of a new car that meets certain fuel efficiency goals. This legislation may disproportionally help foreign auto companies whose fleets have typically smaller and more fuel efficient cars than GM or Chrysler have produced. This legislation could also lead to higher priced used cars are it requires dealers to removed "clunkers" from the market through salvage, therefore reducing the amount of pre-owned supply. Families that still cannot afford a new automobile will face rising prices (H.R. 2751).

- Passing a bill that authorizes $41 billion over a two year period - an increase of 12% over FY 2009 funding levels for the State Department, the Peace Corps, international activities, and international assistance programs. This legislation includes a 23% increase in pay to overseas Foreign Service Officers, which comes at a time when Americans are struggling to keep jobs at home. The bill creates an Office for Global Women's Issues to "coordinate efforts of the United States Government regarding gender integration and women's empowerment in the United States foreign policy." It is highly likely that his office will include in its mission the advancement of abortion advocacy abroad. This bill will also require the tracking of discrimination related to sexual orientation in foreign countries based on "actual or perceived sexual orientation and gender identity." The bill will increase US contributions to the UN by approximately 32% over FY09 levels without requiring any reforms (H.R. 2410).

- Passing a bill that attempts to micromanage the affairs of the Executive Branch in Pakistan. Many of the provisions in this bill may limit the ability of the Executive Branch and DoD to achieve their goals in Pakistan. American taxpayer dollars will also be used to support education assistance in Pakistan including, "Food assistance for student meals" and includes a directive "to increase immediately teacher salaries." It is questionable whether U.S. tax dollars should be going towards these initiatives (H.R. 1886).

- Passing the Supplemental Appropriations conference report which spends $105.8 billion – $9.1 billion more than the House-passed version (despite spending $4.1 billion less within the Department of Defense) and $14.5 billion more than the Senate-passed version of the legislation. Non-war spending in the conference report includes: $5 billion for the IMF (to provide $108 billion of loan guarantees), $420 million for Mexico, $13.2 million for Essential Air Service, and $1 billion for the "cash for clunkers" program. Also provided by the conference report is $660 million for the West Bank and Gaza. Some conservatives may believe that this money could fall into the hands of Hamas, since it controls much of the civil society in Gaza. The conference report does not include language in the Senate-passed bill to prevent the release of detainee photos (H.R. 2346).

- Passing the Departments of Commerce and Justice, and Science, appropriations bill that, excluding emergency appropriations, is $6.7 billion or 11.6% more than last year. Items of note include: $4.23 billion or 134.9% above last year for the Bureau of the Census; $237.7 million or 5.4% above last year for the National Oceanic and Atmospheric Administration; $420.9 million or 2.4% above last year for NASA; and $50 million more than last year for the Legal Services Corporation (LSC). LSC is a program which supports a liberal agenda and has not been authorized since 1980. Its mission is to assist lawyers and groups engaged in lobbying, advocacy of political causes, and litigation against the federal government (H.R. 2847).

- Passing a Legislative Branch appropriations bill that, excluding emergency appropriations, is $212 million, or 6.1% more than last year. The bill's rule prevented 12 RSC Members from offering amendments. Several of these amendments would have saved taxpayers money by reducing the overall spending level in the bill. The legislation funds the Appropriations Committee at $31.3 million. $139.9 million goes to the other standing committees. The Members' Representational Allowances were increased by $51 million or 8.4% above last year's level. The bill also provides $100,000 for the Wheels for Wellness Program, which allows employees of the House to use a bike sharing program. During its first year, the program was used less than 300 times. At that rate, the bill will spend more than $330 per bike (H.R. 2918).

- Passing an Interior, Environment, and related agencies appropriations bill that, excluding emergency appropriations, is $25 million less than the request but $4.7 billion or 17.1% more than last year. The EPA, NEA, National Endowment for the Humanities (NEH), the National Park Service, Indian Health Service and the Save America's Treasures are among organizations that received funding levels above last year (H.R. 2996). The conference report was also passed in October 2009 with similar concerns.

- Passing the Agriculture, Rural Development, Food and Drug Administration appropriations bill that, excluding emergency appropriations, is $2.4 billion or 11.9% more than last year. In this bill, the FDA receives $3.04 billion – a $373.1 million or 14.0% increase above last year. Also, this legislation provides Broadband Telecommunication Loans with $400 million, which is in addition to $2.5 billion previously provided in the "stimulus." The Commodity Assistance Program is also appropriated $255.6 million – a 10.7% increase over last year. Previous Bush Administration budgets requested no funding for this program on the argument that the program duplicates two other federal nutrition assistance programs. The bill also contains 322 congressionally-directed earmarks (H.R. 2997).

- Passing the State, Foreign Operations appropriations bill that, excluding emergency appropriations, is $12.4 billion or 38.8% more than last year. The bill increases the appropriations to the Peace Corps, the Millennium Challenge Corporation, the Peacekeeping Operations, as well as contributions to various international organizations. The United Nations Population Fund also received $60 million, or $10 million above last year. This is a controversial program that the U.S. has not funded in previous years due to its past involvement with China's one-child policy, coercive abortion, and sterilization. The bill also provides an increase to International Family Planning Funding to $648 million—an increase of $103 million or 18.9% compared to last year. With President Obama's recent repeal of the Mexico City Policy—which prohibited United States assistance to nongovernmental organizations that provide abortion and family planning services—this could result in international family planning dollars going to organizations that promote and provide abortion services (H.R. 3081).

- Passing the Energy and Water appropriations bill that provides $33.3 billion in funding for FY2010, which is $46 million more than last year. The funding for programs under this bill comes on top of $58.7 billion of emergency-designated spending in FY 2009. Among programs receiving an increase in funding include the Appalachian Regional Commission and the Denali Commission. Both programs have been criticized for being wasteful (H.R. 3183).

- Passing a Financial Services and General Government appropriations bill that, excluding emergency appropriations, is $1.5 billion more than last year, and $3.6 billion more than FY 2008. The funding for programs under this bill comes on top of $7.1 billion of emergency-designated spending in FY 2009. Compared to FY 2008 the bill is a $3.6 billion or 17.5% increase (H.R. 3170).

- Passing a bill that expands the territory and range of wild horses and burros and allows more public land to be devastated. The bill also restricts a number of methods to manage the herds and mitigate the damage done to native plans, wildlife and rangeland. Some conservatives have expressed concern that the bill establishes an additional 19 million acres of public and private land for wild horses. Current law already provides for protection for 32 million acres, which is approximately the size of New York (H.R. 1018).

- Passing a bill entitled the Statutory PAY-AS-YOU-GO Act that could lead to tax increases. The bill makes it harder to maintain some tax cuts that exist under current law. It is also possible that the threat of sequestration could be used by proponents of tax increases to try and force through higher taxes. This legislation also does not impose any limits for the 40% of the federal budget that consists of discretionary spending. This bill does nothing to put the budget on a sustainable course (H.R. 2920).

- Passing the Transportation, Housing and Urban Development appropriations bill that, excluding emergency appropriations, is $13.8 billion or 25.1% more than last year, and is $20.0 billion or 41.0% more than FY 2008. The funding for programs under this bill comes on top of $65.6 billion of emergency-designated spending in FY 2009. Among other things, the bill provides $1.5 billion in subsidies for Amtrak, $4 billion for high speed rail, $175 million for the Essential Air Service, and funds 1,032 earmarks (H.R. 3288).

- Passing a cap and tax bill that will affect constituents in every aspect of their lives. From transportation, to food, to electricity, to income – this is the ultimate regressive consumption tax to the tune of nearly $3,000 per year according to the Heritage Foundation. The costs per family for the whole energy tax aggregated from 2012 to 2035 are estimated to be $71,493. Studies from numerous independent research groups all agree that implementing a massive cap and tax scheme will cost millions of jobs, reduce earnings for the average US worker and devastate GDP. This bill transfers wealth from rural areas to cities. States like California, Washington, and New Jersey would receive more emission credits than they need, enabling them to sell surplus credits to smaller facilities in states like Ohio that receive maybe half of the credits they need (H.R. 2454).

- Passing the Labor, Health and Human Services, and Education appropriations bill that, excluding emergency appropriations, provides a total FY2010 funding level of $163.4 billion, which is $11.1 billion or 7.3% more than last year. The funding for programs under this bill comes on top of $137.0 billion of emergency-designated spending in FY 2009. Compared to FY 2008 the bill is an $18.6 billion or 12.8% increase. Planned Parenthood also receives an increase of $10 million in funding in this bill and abstinence programs are zeroed out (H.R. 3293).

- Passing a bill that transfers $5.0 billion from the General Treasury to the Highway Trust Fund (HTF), provides “such sums as may be necessary” to the Unemployment Insurance Trust fund, and increases the statutory caps on the lending authority of both the Government National Mortgage Association and the Federal Housing Administration from $315 to $400 billion. Although technically the bill is an intergovernmental transfer, in effect it increases the deficit by allowing the HTF to spend an additional $5 billion that is not offset with savings from another portion of the federal budget (H.R. 3357).

- Passing a bill that requires federal regulators to review employee compensation practices at covered financial institutions (such as banks, credit unions, and investment advisors) and allows them to prohibit certain compensation methods. The legislation gives broad latitude to federal regulators in determining which compensation practices should be banned, placing a significant segment of the private sector under federal control (H.R. 3269).

- Passing a bill that authorizes $2 billion of spending for the “cash for clunkers” program in addition to the $85 billion already spent. The constitutionality of this program is dubious since Congress is not authorized to participate in interstate commerce. Because the legislation has high fuel efficiency requirements, it might actually end up helping foreign manufacturers, who produce smaller, more fuel efficient cars than GM or Chrysler. The bill will also cause prices to rise in the used car market by limiting supply. This could hurt low income families who cannot afford the cost of a new vehicle even with a government voucher (H.R. 3435).

- Passing a bill that establishes the Santa Cruz Valley National Heritage Area covering approximately 3,300 square miles in southern Arizona. Some conservatives may be concerned that many of the land designations of heritage areas can lead to restrictive federal zoning and land-use planning to block energy development. In heritage areas, management plans can restrict how residential and commercial property owners utilize their private property without any notice or warning. At a time when the National Park Service currently has a multi-billion maintenance backlog, some conservatives may be believe that adding a new heritage area to a system that is already overburdened is irresponsible. Additionally, the area of this proposed heritage site designation would be designated in the most heavily trafficked drug and human trafficking area along the border. The US Border Patrol (USBP) already faces major difficulties patrolling federal lands and is prohibited from going into wilderness areas by the National Park Service (H.R. 324).

- Passing a bill that would *permanently* authorize the Chesapeake Bay Gateways and Watertrails Network, which was originally authorized by the Chesapeake Bay Initiative Act of 1998 and is carried out by the National Park Service (NPS). Some conservatives may be concerned that H.R. 965 would permanently authorize a relatively new grant-making program that has been traditionally authorized for five years at a time. Some conservatives may believe that the program should be authorized for a limited time in order for Congress to better assess its effectiveness. Some conservatives may also be concerned that H.R. 965 would remove funding limitations from the Chesapeake Bay Gateways and Watertrails Network by authorizing "such sums as necessary" on a permanent basis. The program has previously been authorized at $3 million annually (H.R. 965).

- Passing a bill that constitutes a massive, permanent government takeover of the private student loan industry – something liberals have been trying to achieve since the early-1990's when the Direct Loan program (the government-run program) was created. The bill will cost up to $50.1 billion over ten years factoring in market-risk. It will potentially eliminate over 30,000 jobs in the private sector. It creates ten new mandatory federal programs and it creates a federal early education grant program for children from birth to 5 years old, thus involving government, not parents, even more in early education (H.R. 3221).

- Passing a bill that would authorize $2.85 billion over five years to direct the Secretary of Energy to conduct a vehicle research and development program with the goal of creating new technologies that will improve fuel and emission efficiency in transportation technology. Some conservatives may be concerned that the federal government holds a 60 percent stake in General Motors and an 8 percent investment in Chrysler and taxpayers have spent a total $81 billion since the bailouts began. H.R. 3246 authorizes another $2.85 billion for the benefit of the industry. The bill also runs against competition that improves products for consumers by creating a politically-directed industrial policy from Washington to assist the auto industry (H.R. 3246)

- Passing a bill that extends unemployment benefits for 13 weeks beyond the 26 weeks provided under current law for individuals (in all states) who exhausted their regular unemployment compensation benefit. The bill would further extend the unemployment benefits extension program by *13 weeks* for states with unemployment rates in excess of 8.5%. 29 states currently have unemployment rates in excess of this level. Individuals in these states would, with enactment of H.R. 3548, be eligible for unemployment benefits for a record total of **92 weeks**. Many argue that extending unemployment compensation benefits creates incentives to delay returning to the workforce (H.R. 3548).

- Passing the FY 2010 Legislative Branch Appropriations Act, Conference Report, and Continuing Resolution that provides a $686 million or 17.3% increase for programs under the Legislative Branch Appropriations bill. Many conservatives may believe that this increase, compared to FY 2008, is excessive given the nation's fiscal problems (H.R. 2918).

- Passing the FY 2010 Energy and Water Appropriations Act Conference Report which provides a total funding level in FY 2010 of $33.5 billion, which is $204 million or 0.6% more than last year. The funding for programs under this bill comes on top of $58.7 billion of emergency-designated spending in FY 2009. Compared to FY 2008 (the spending authority the federal government was operating under a year ago), the bill is a $2.6 billion or 8.3% increase (HR. 3183).

- Passing a bill that included the creation of a new agency chartered as a public-private nonprofit corporation to promote international tourism within the United States. The bill creates a $400 million Travel Promotion Fund funded by fees on international visitors, thus ironically potentially discouraging foreign travel to the United States and encouraging other governments to enact reciprocal fees for American travelers to their own countries. The European Union has already indicated that any American fee might cause them to reciprocate with a fee of their own. With this bill, the U.S. government is getting into the business of advertising for travel destinations – a business that many conservatives might believe should be left up to the states or private industry (H.R. 1035).

- Passing the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act Conference Report which provides a total spending level of $22.9 billion—a $2.8 billion or 13.9% increase compared to last year. And compared to FY 2008, this legislation represents a $5.2 billion or 28.8% increase. In addition, the programs funded by this legislation have also received $7.9 billion of emergency-designated spending during the current fiscal year. Virtually every account in the bill receives an increase compared to last year—no effort was made to prioritize spending, even with our current fiscal challenges (H.R. 2997).

- Passing a defense authorization bill that included unrelated hate crimes language making "sexual orientation" and "gender identity" federally protected classes under the U.S. Criminal Code. Any crime committed because of "prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim or is a violation of the state, local, or tribal hate crime laws" would be covered by this legislation and thus punished more severely. The terms "sexual orientation," "perceived," and "disability" are not defined and the bill vaguely defines "gender identity," thus leaving the definitions open to wide interpretation by bureaucrats, attorneys, and judges (H.R. 2647).

- Passing a bill that would authorize 6 water projects in the San Francisco Bay Area, but ignore a water crisis in the San Joaquin Valley of California. The legislation authorizes several projects that stand to benefit only a few congressional districts, but House Democrats refused to take up an issue that affects an entire region of the state and potentially could cost up to 40,000 jobs and billions in lost income (H.R. 2442).

- Passing a Homeland Security Appropriations Conference Report that would provide a total spending level of 42.8 billion—$726 million or 1.7% more than last year. This comes on top of $3.1 billion of emergency designated spending in FY 2009. And compared to FY 2008, this conference reporter presents a $7.9 billion or 22.7% increase. The conference report does not include a provision from the Senate-passed bill that would provide $300 million for pedestrian fencing along the U.S.-Mexico border. It provides $5.3 billion—$891.0 million or 20.4% more than last year for the TSA, and it would ***still allow for the transfer*** of such an individual from GITMO if the President submits certain information to Congress (H.R. 2892).

- Passing a Solar Technology bill would authorize appropriations totaling $2.25 billion over five years – a significant amount of new spending during a week economy and would allow representatives of the solar industry to influence where to direct taxpayer money that could benefit their companies. Additionally, the bill exempts representatives from the Federal Advisory Committee Act – intended to provide an open and transparent process. The bill is also duplicative of programs that support research of solar thermal technology and represents another government handout to an industry that has produced little progress (H.R. 3585).

- Passing a bill that would move up the effective date of the regulatory requirements of the Credit Card Accountability Responsibility and Disclosure Act (the CARD Act) to December 1, 2009. Under current law these provisions will take effect on either February 2010 or August 2010 (depending on the regulation). Moving up the implementation date will further increase costs to credit card issuers (CBO says these costs exceed the $139 million private-sector threshold established by Unfunded Mandates Reform Act of 1995). Many conservatives would argue that these costs will get passed onto consumers in the form of higher rates, other fees, or denied access to credit. Institutions that will have to comply with this law say that they cannot meet a December 1st deadline. Among other things, this means the bill could lead to class action lawsuits—a boon to the trial lawyers (H.R. 3639).

- Passing a bill that would regulate and cripple facilities that contain chemicals under the guise of "homeland security." The U.S. Bureau of Labor Statistics cites a 16 percent decrease in chemical manufacturing jobs and wages. The bill allows some of the documents and information on the security requirements of a chemical facility to be accessible to the public through litigation, effectively creating blue-prints for anyone that wishes to attack a facility. Prescriptive state rules in this bill will result in a confusing patchwork of different and potentially contradictory regulations and divert scarce resources to comply with requirements that do not necessarily advance national security interests (H.R. 2868).

- Passing a government takeover of healthcare bill that would: raise taxes, cost nearly $1.3 trillion (not including the $210 billion "Doc Fix"), create a government takeover of our healthcare system, raise constitutional concerns, allow illegal immigrants to get healthcare coverage, federally fund abortions. The bill also does not address needed medical liability reform, will force Americans out of their current plans, increase premiums, and increase personal health expenditures (H.R. 3962).

- Passing a "doc-fix" bill that costs $279 billion without being paid for. Adding this fix to the Pelosi government takeover of health care bill (H.R.3962) would bring the true cost up $1.5 trillion. The bill has the potential to lead to tax increases (H.R. 3961).

- Passing a bill that would designate an approximately 15.1-mile segment of the Molalla River, and an approximately 6.2-mile segment of Table Rock Fork Molalla River, as a recreational component of the National Wild and Scenic Rivers System. The designation could prevent adjacent land from being harvested for lumber. With Oregon's unemployment rate at 11.5%, some conservatives may question the need to designate these lands that could instead be harvested and create jobs (H.R. 2781).

- Passing a bill that would authorize $350 million from FY 2011 through FY 2014, and would require the Department of Energy (DOE) to conduct a new research, development, and demonstration program to improve the efficiency of steam generation and combustion turbines that use natural gas to generate electricity.

Some conservatives may have concerns over the high authorization levels. Some conservatives may also question the need for the creation of an additional program when the DOE currently participates in activities to increase the efficiency of natural gas turbines (H.R. 3029).

- Passing a bill that has the potential to undermine efforts to support growth in the nuclear power industry and may force the closure of other domestic nuclear waste storage sites in the future. Additionally, since all processing facilities are currently located in the U.S., some conservatives have expressed concern that the bill would deter job growth by forbidding U.S. companies from offering nuclear services to foreign markets (H.R. 515).

- Passing a bill that would make permanent the death tax at 2009 levels and would prevent the death tax from being repealed in 2010. Under current law, the death tax is set to be repealed in 2010, and then to be reinstated (along with many other tax provisions from the 2001 and 2003 tax cuts) at 2001 levels (55% rate) in 2011 and thereafter. Instead, keep the death tax at 2009 levels in 2010: a 45% maximum tax rate, with a $3.5 million exemption. Many conservatives believe the death tax should be permanently repealed (H.R. 4154).

- Passing a bill that contains some $32.3 billion of tax increases over ten years plus a harmful corporate estimate tax payment shift gimmick. These are permanent tax increases to "payfor" *temporarily* extending some tax provisions. The extensions in the bill are for only one-year, despite the obvious reality that most of the provisions will need to be extended again at the end of next year. Furthermore, as in the case of the research and development tax credit, the lack of long-term extensions prevent American companies from being able to make proper business plans (H.R. 4213).

- Passing another element of the Democrat agenda that will place new costs on businesses. The legislation will ration capital and credit, and place new red-tape on job creators, leading to further job losses. The legislation will exacerbate the credit crunch for small businesses, which will have more difficulty accessing necessary credit because they would be required to pay fees to the government to bailout their competitors. The bill will also allow regulators to determine compensation of all employees (not just executives) at financial institutions and creates a pre-funded $150 billion bailout fund which is paid for by all financial institutions with assets over $50 billion and hedge funds over $10 billion. The bill also creates a new Consumer Financial Protection Agency with very broad authority in at least two respects. First, it would cover a broad range of non-traditional financial services industries. Any business which provides loans, credit, or repayment plans would be regulated, including: doctors and hospitals, student loans, defined-benefit pension plans, merchants and retailers, realtors, consumer credit reporting agencies, telephone service providers, advertising agencies, publishers, and cable and satellite TV companies. Second, H.R. 4173 leaves most future regulations (in title IV of the bill) to the discretion of the

CFPA, instead of prescribing specific regulations. The bill does not include needed reforms of Fannie Mae and Freddie Mac (H.R. 4173).

- Passing a FY2010 Consolidated Appropriations Conference Report that has an $87.7 billion spending increase compared to FY 2008. The legislation increases FY 2010 spending by $49.7 billion or 12.5% compared to last year, and by $87.7 billion or 24.4% compared to FY 2008 (the pre-FY 2009 omnibus funding level in effect 15 months ago). The legislation provides increases for all six bills within it, with increases ranging from 6.6% to 33.3%. This at the same time that the country is running record-setting deficits. According to an analysis from Taxpayers for Common Sense, the legislation includes 5,224 earmarks at a cost to taxpayers of $3.8 billion. The legislation also allows the DC government to fund abortions and needle exchanges using public dollars, phases out the DC school voucher program, eliminates funding for abstinence education, and increases international family funding by nearly 20% and allows these funds to flow freely to organizations that promote and perform abortions (H.R. 3288).

- Passing a bill that provides the fifth debt limit increase in less than 3 years—a cumulative increase of $3.4 trillion or 38.2% (reflective runaway spending) since the Democrats took over Congress—without including any provision to ensure that the federal budget is put on a sustainable path at some point in the future (H.R. 4314).

- Passing a so-called "Jobs for Main Street Act" (aka the "Son of Stimulus") with an amendment containing increased federal spending on such items as an ACORN-eligible housing slush fund, clean water programs, and public service job promotion (this bill includes the CJS appropriations bill, along with three other bills). The legislation reduces Troubled Asset Relief Fund (TARP) authority by $150 billion. This is a budget gimmick so that Democrats can assert that a portion of the legislation is paid for. Expands eligibility for means-tested programs during 2010 by not counting refundable tax credits as income for purposes of an individual meeting eligibility requirements and provides a 6-month extension of unemployment benefits at a cost, according to Appropriations Committee Democrats, of $41 billion, among other things (H.R. 2847).